IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Klaus Unsicker, Jens Pohl, Michael Paulista and Rolf Bechtold

Application No.:

09/527,275

Group:

1646

Filed:

March 17, 2000

Examiner:

O. Chernyshev

Cytokines Having Neurotrophic Activity

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202

on gna . 13

Typed or printed name of person signing certificate

DECLARATION OF KLAUS UNSICKER UNDER 37 C.F.R. § 1.131

Assistant Commissioner for Patents P.O. Box 2327 Arlington, VA 22202

Sir:

- I, Klaus Unsicker, a resident of Heidelberg, Germany, declare that:
- 1. I am a co-inventor of the above-referenced U. S. Patent Application.
- 2. I received a Doctor of Medicine from the University of Kiel, Germany. Since 1992 I have been employed at the Ruprecht-Karls-University of Heidelberg. I am currently leader of the Department of Neuroanatomy of the University of Heidelberg and hold the title of Professor of Anatomy & Cell Biology.
- 3. I have read U. S. Patent Application No. 09/527,275 and the Office Action mailed from the United States Patent and Trademark Office September 14, 2001.

- I hereby state that the invention described and claimed in U.S. Patent Application No. 09/527,275 was completed in Germany, a World Trade Organization (WTO) member country, before June 5, 1997, the effective publication date of Louis, "Methods For Treating Photoreceptors Using Glial Cell Line-Derived Neurotrophic Factor (GDNF) Protein Product," WO 97/19694.
- 5. Completion is evidenced by the enclosed Exhibits A-C, which represent copies of laboratory notebook pages 269-280, 281 and 282-287, which demonstrate the following:
 - Exhibit A Pages 269-280 show that the combination of TGFβ1 and GDNF was tested in a survival assay of ciliar ganglion neurons (CG-Assay). This assay demonstrated the synergism of TGF-β with GDNF, which is also presented as Figure 6 in the present application.
 - Exhibit B Page 281 shows that the combination of TGFβ1 and GDNF was tested in a survival assay of paravertebral sympathetic neurons (Bio-Assay/SG-Assay). The combination of TGF-β and GDNF demonstrated a synergistic neurotropic effect on paravertebral sympathetic neurons.
 - Exhibit C Pages 282-287 show that the combination of TGFβ1 and GDNF was tested in a survival assay of sensoric spinal ganglion neurons (DRG-Assay). This assay demonstrated that the TGF-β and GDNF cytokine combination provided a synergistic neurotropic effect on dorsal root ganglion neurons.
- 6. In accordance with United States Patent and Trademark Office procedures, the dates recorded on these laboratory notebook pages have been redacted.

7. I further declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements, if made, may jeopardize the validity of the application or any patent issuing thereon.

Klaus Unsicker

Date

C6 - Asing:

" 2 1 (c Hen

Proben: TOFA, GANT, TOFAA + GONF, F3, VI, VP + TOFAA.
F3 + TOFAA, F3 + GONF, VP + GDNF, side Protokolk

ca. MOO Zellen / will

(6 - Assay:

Stoppen der Platten mit bluter dialolety of (Youtes granhet)

C6 - Aoriay:

2 Plattin. Proben: TETA, CONF, TETBA + GONF. F3, V7; F3 + GONF; VP+ GONF, F3+TEFAA, VP+ TETSA, Siche Protobele

en. 1200 Zell in / well

(6- Assay: Stoppen der Platten mit blutardialdeligd

B49: Upertand + Fellon TCA-Falis: 1.5 ml 200 Ml PBS

+ TCA - Profein - Pollet -> in Protengen for aufging muman

D6.

50 ml B49 Wherstand bour Lynnt + 50 ml D6-Parter.

Je 2 ml N-bly cosidence - F himzm.

17 h b6 37°C In kentrition

(6- Array: 12 Platte VP ; F3; VP + XEDNF . VP + XTEFS1. 13 + XED, F3+ & T6FA1: T6FA1+6DNF. side Protokoll

in. 1200 Zellon / will

| | | Λ | £Ž | 3 | 4 . | 5 | Ġ | 7 | B | 7 |
|---------------------------------------|------------------|---------------|--------------|-------------|---------------|----------|--------------|--------|------------|---------|
| B49 | | 1. | LMU | 1 | 12 A | 62 | 63 | | ü | 4/26 |
| , | | 1. | .5 | / | 15 | 15 | 15 | / | 20 | . 20- |
| | | | | | | | | • | | |
| | | / | LMJ | / | 61 | 62 . | <i>G</i> 3 | / | 2 | Z1DG |
| | | / | 5 | / | 15 | 15 | 15 | / | 20. | 20 |
| | | u = | 125V; | I, | , = 70 | m A. | I = 3 | . 32 m | , <i>A</i> | |
| | | | | | • | | | | | |
| | | 15 A | gui lib | n' crain | no Ti | ans fei | on Ho | , NC | - Hem G | ran + G |
| | 4 | 1160 + 1 | 15 | = t:, | u = | 9-12 V | , I | = Ø. | 22 A | • |
| | | 2-3' | Pon Block | Clan | 5 | | | - | | |
| | | 1. A | K | | | | · | | | |
| | - | | | | i | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| C6-Assay: | Stoppin | mit | Elm L | er chied a | , L / | | | | | |
| C6- Assay: | Stoppin | mit | blut | er chied cl | chyol | | | | | |
| C6-Assay: | Stoppin | mit | blu f | es chial cl | a hy ol | | - | | | |
| <u>C6-Assay</u> : <u>LT-Blot</u> : | | | · . | | | | - | | | · |
| | 3 × 10 | ' Siso | blu f | - · · · · | | | | | | |
| | 3 × 10 | ' Siso | ha - | - · · · · | | | | | | |
| 4-3lot | 3 × 10 | ' Siso | ha - | - · · · · | | | | | | |
| | 3 × 10 2. A K | ' Sisco (1 | 1:500) | Tark | → P | raparat | | | ro to kun | u |
| 45- Blot: | 3 × 10 2. A K | VS SOON (1) | 1: 5tool | Tark | → P | raparati | | | ro to kun | u |
| 45- Blot: | 3 × 10 2. A K | VS SOON (1) | 1: 5tool | Tark | → P | | | | ro to kun | u |

Lysat Ufestand · Gel B49: üterstand + Ellen Sam living: a) 10 mH Acetylcholin + 10 mt Esein n=10 b) 50 mH Nicotin n=5 2 Kontrollen für b) 4 Kontrollen für a) Durchfihming: 1) 2 ml Kedium 15' Stimulioning - Redum (daron 1

2 pl Stabilizaringspuffer für HPLC)

10' Lyoc - 120

272 <u>Co- Assay</u>: F3, V1. F3 + TGF S1 60 NF, F3 + TGF S1 + GDNE VP' + TG FA1; VP + GONF. VP + GONF + TGFA1. TGFA1+601.
TGFA1 + GONF; F3 + & GONF. F3 + & TGFA1, VP + & GONF. VP+ XTGFS1; siche Protokoll Ca. 1200 Eillen / will CG - Array: Stoppin mit Clastordial deligol 2 Platten Proben: 60NF, TGFS1, FGF-2, WMAAN Kombinationen. siehe Proto koll CG- Assay: ca. 1200 Zellin/sell C6- Aonay s Stoppen mit flutar dial delay of 1 NN - hask - Prap nach Protokoll - 428.000 bellen /cs - 856. Chroma ffine: - 85% 10 allin and love slips ausgesit for EH (ca. I'ml singe from) CG - Array: Ar Platte unbligt for on vaniz In box CG- Assay. 2 Pla Hen

Proten: F3, V?, &TGFSA, &GDNF, TGFSA, GDNF D1-5, I1-3, II1+2, II 1.2, IV1-3 ACA- Freletionen nietu Protokou (ca. 1200 tellus/wil) C6- Assay: Stoppen mit blut ar distolety of

De Platte Proten: D2+3', III, IVI, F3, GDNF, TGFS1; siche Protokoll

Protein - Fally:

Chromattine vom 25.05, and son 11.07. Whestand nach Stimuliving und Lysat

3000 rpm (Heraeus) für 30' -> überstand Max. rpm (-4-) für ca. 1h -> -4-· Protokoll -> 10% TCA Endkonzentration -> Vortex -> fix 1h (odu 1/2h) ant lis - 4000 pm (Heraeus) für 15' -> Pellet je Ind Aceton - 2000 rpm (Heraus) for 15', je Ind & MeoH - 4000 rpm (-4-) for 15'

> (4-6H Harustoff) Pellet in Protempather autuchmen

(G- Assay:

Stoppin mit flutarchialdelyd

SDS-19466

15% Tlamonli, red.

U-860+

1 2 3 4 5 6 7 8 9 10

ar. 25,05.

1 LMW 1 G1 G2 G3 / U Lynat /

/ 5 / 15 15 / 20

Chr. M.07.

/ LHW / 61 62 63 / U Lysat /

1 5 / 15 15 15 / 20 20 /

U = 125 V , In = 76 mA ; Iz = 35 nA . t = 16 20'

Aguilibrica de Ne-trembran + til for 15' in Transterputt

t = 15', T = 0.22 A, U = 9 - 12 V

14 Block 1. AK

W-Blot: 3x 10' mit TTBS worden; 2.Ak

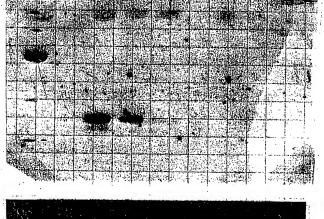
Chrom: Proporation nach Protokell; 2 Nebenmen

-> 176.25 · 10°-tellen -> 1.175 · 10° tellen / Flasche

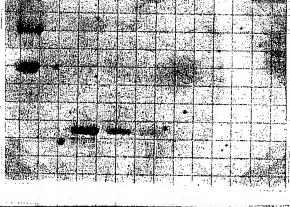
U-3lot: 3x 10' mit TTBS vaschen → EC/

25.05.

NA. 07.









2 Platten Proben 73. TEFS1: GDNF. 2TEFS GDNF: F6F-2. ca. 1200 Zellen / well

(ca. 2: oouer)

(6- Assim:

30h - Stimulions wit 10 pt Acetylcholin + 10 pt Gein

redium: 2ml
Stimulivung: 2ml daron 100 ml + 2ml Stabilisiungsprifter fri HPLC

15' = t

dyse: 2ml HzO; t=10' (+2ellen)

Stoppin mit blutardialdehyd (6- Assay:

CG - Assay: 2 Platten

Auftragungen siche Protokoll Proten: TETS1; GDNF ca. 1300 Zellen / well

Stoppen mit blutar di eldely d CF- Assey:

Chromatine: by set und lives fand wach Stimulias. Protein - Fally.

- 30' his 3000 spm (Heracus) litestomal
- · Maximale open (Heraeus) for ca. 14 -> Uberstand
- 10% TIA Endlionzentration -> Vertex -> for 14 and Es
- 15' ti 4000 rpm (Heraus) -> Pillet gi Aml Autor -> 75' ti 4000 rpm (Heraus) je Aml MeOH -> -11-

Pilet in Poolenpufts + ci. 618 M Harnstoff an frequen

(LEASING

5D5-1946E

15% T-Lammli, red.

Western - Blot

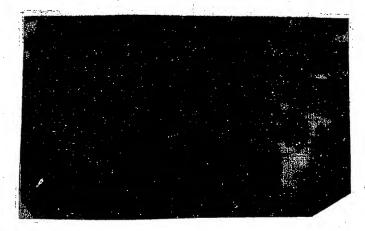
2/6 4 10 61 62 63 64 65 Gel 112 LMH / 10 t = 14 15 itester - Blot : 1. Amersham NC- trembran 2. Bio Rad 15' Aquillois m. 15' Blot (I = 0.214) 60' Block 1. 4K (6 - Assuy: CNTF + AK's F3, Vi + AK's Anthragung siche Protokoll. With ! (G- Assay . Stoppen mit blutardiddelig of CG- Assay: 2 Platten G+TV and T+6V - Ausgary: 2mo/mc Anstroquing siche Protoledle CG- Assury: Stoppen mit blutardisaldely of <u> 4esten Blot</u>: 3x Marchen for 10' wit TTBS 2. AK

Western Blot: 5x 10' Verschen mit 7783 ECL

Amesham

Bio Roal





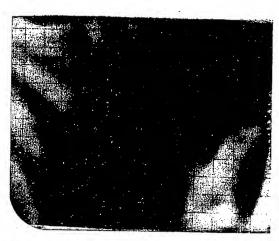
3

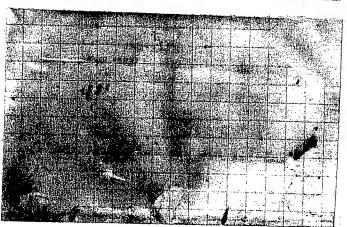
BY1: litertand - Diely:

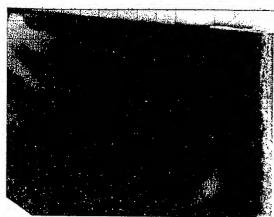
Uromaffine: Praparation und Anfarleitung nach Protokole

-> 21.5 -10° Zellen

| · CF- Array : | 2 Pla Hen |
|-------------------------|--|
| | Proben: T+61 und 6+TV (Ausgang: 2mg/ml) |
| | Anstragung und Ausrechung siche Protokoll |
| | |
| Chomatine: (3:00 ms) | mach 30h Stimulioning mit 10 pt Acetylcholin + 10 pt los Medium: 2 ml |
| | Stimulioning: Line (davon 100, e + 2, e Stabilisani putito for HILC) + = 15' 1000 |
| | lyse: 2ml 420; t=10' / +2ellon → -80°C |
| CG- Amay: | Stoppen mit blutardialdeligd |
| · | |
| (6 - Assay: | 2 Platfer- Proben: (NTF, 73, V? (+ Ak's) Anttragung + Auswertung siehe Protokoll |
| · | |
| (6- Assay) | Stoppin mit bluder dial de hyd |
| 2. | |
| SDS-1246= : | 15% T- å aem mli, Ded. |
| | 1. NC-Hembran Bio Rad 2. hillipane |
| 1 | 2 3 4 5 6 7 8 9 10 |
| GUL 1+2 | LMW 61 62 63 64 65 66 (RH) |
| | (RH) 5 / 10 < |
| | t= 14 15" U=125V Bot: 15'=t & 15' iquil. |
| | t- 14 15" W=125V 11 86.06 - 1.11 |







in Essin !

: lisernys. 1 -9000

30°C

(6- As ag: Visch. FGS - Chargen (+ 6DNF)
And traying + Answertung siche Protokoll

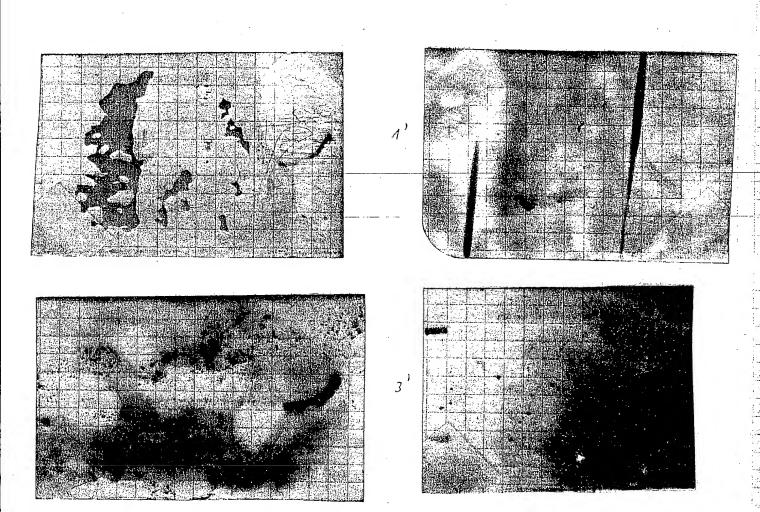
(6- Assay: Stoppen mit flutardialdely of Workern-Blot: 3x 10' Vanden unt TTBS
2.4K

1 PAGE Vestern Blot

Not - dammli red. 1. NC - tumbran Bio Raci

Bio Rad

Amerikan



Blot: t= 15', Aqui li briver t= 15', Block t= 60', Block

I = 0.2A , U = 12-18Y

Vestern Blot: 3x 110' Vasilon unt TTBS

Wisten Biot

3 x 10' Vasilin mit TTBS

ECL

(G-Assmy:

A) "normal"

2 Pla Hen

nach "HN - Behandly."

1) 127.500 Zellon - 1275 E/ well

3) 762.500 -11-> MN-Och, -> 97,000

Anthragung and Auswertung siche Protoboll

(MN - Bed. : BSA Kissen, tutrizamide, BSA - K.; janning)

MLEC ADDRY:

12 Plate

Ellen ansgerat, Ih Inte . Proton antychragen mber Nadt inte.

Anthrogung und Austrhung siche Prototoll

(6 - Assay:

Stoppen mit Anderdictalehyal

Westen - Blot:

.3x 10' mit TTBS visiden

MLEC- Assey:

1x Vaschen mit PBS

Lyse Puffer (100 melwell) for 2-34 for RT Ropel sypal about an und missin - siche Protokole

Bio - Assay:

(6 E12 / SE E12 / SE E8

Problem: TEFS1, GDNF, What riche Proto bell

CG/E12: 155:000 20lm → 345.000 -"- → 1290 Fellon Iwell

SG/E12: 3450 Fellen I well SE 1 E8: . 1950 Ellen /well 132.500 -"- -

--> 7 Stop 14-07 **EXHIBIT**

-> Stop 12-09

282 Stoppen mit blutardialdeligal CG: Stoppin mit fluter dialdelyd FCS: Visibilitatione Chargen. TOFSI GD NF <u>CG</u>: ville Protokoll 165,000 Fellon 1375 Fellen/vill Bio - Assay: CG / DRG / SG : EAR siche Protokoll 18 09 19-09 20-09 Stop CG: 155,000 Hellen 1290 DEG: 142.500 Tellin/well 1190 SG: 177.500 1480 -Proben: TEFS1; GDNF 15.0% T darmili . red. SDS-PAGE Viston Blot 2 3 4 5 6 7 8 9 RM . / G1 G2 G3 F DG/F G3

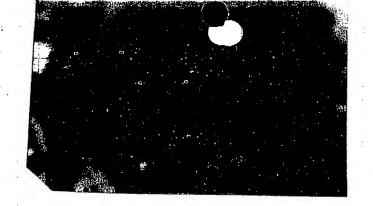
1 4 / 4 10 -1 420 -

t= 14 25' U= 125V In= 66m4 IE- 33m4

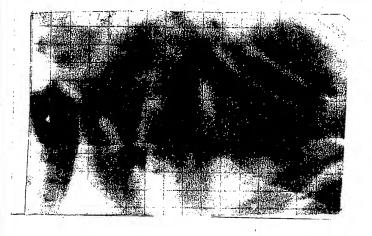
Blot: t = 15'. ag milibrio en t=15' I = 0.24 , U= 16-19V blo Hen E = 60' Blocklosg.

n. Ak

EXHIBIT



2.5'



(6: Stoppen mit bluter di alchyol

Bis - Asony: DR6 / E8 - Stop 20-01

niche Protokell

CG / DRG / SG E12

19-09 20-09 21-09 Stop

DR6/68: 160.000 Jellen - 1300 Ellen/vell

1500 LG | E12 100.000 -1- - 1250 DRG | E12 260.000 -1- - 110-

1250 (2 dlen / vill

3x 10' Saschen mit TTBS

2. AK

5,0 - Assay:

(61 DRG 156 , E12 22-09 25-09 21.01

- siche Protokoll

CG MO.000 tellen - 1375 Zellen / vell

SG

Vister Blot: 3x Waschen je 10' mit TTBS -ECL

Bio - Assay: (2x) DR6 156 25-07 26-07

Stor

ellen/well

siche Protokoll

Dl6: 332,500 Jellen -> 1385 } Zellen/vell S6 : 49.500 1-11-

CG / DRG E10

sidre Protokoll DRG 1614 rat 27-07

CG-135.200 Ellen -> 1125 Zellen boll DRG 79.968 -11- -7 1176

-11- -7 1300 DR6 G14 rat 156.000

Bio - Assay:

Bio - Assay:

CG/ JRG E10 28-09 29-09

(6 125,000 Zellin 1250 Zellen / vell 135,000 -11-DRG

Bio - Aoray: €G / DR6 / S6 ∈8 09-10 10-10

si the Proto boll

siche Protokoll

1350

DG: 20%/FS + 20%/FCS

20 pl Serum + 80 pl Proben prefer + 2 pl 7-64 cenase 17 h bei 3 PC intention - Stop : 37-15

t= 1h 20' U= 125 V In = 76 mA: IE = 39 mA

B Cot

14:

715





| 286. Bio-Assay: | (E10 Stop: 12-10 niche Protoboll |
|-----------------|--|
| | 56: 225.000 Ellen - 1400 Ellen/vell |
| 9 | |
| Westen-Blot: | 3x 10' mit TTBS vaschen 2. AK |
| | |
| Visten-Blot | 3× 10' nut 77BS vas chim |
| 8:0 - Assay : | SG / E12 siche Protokoll |
| | S6: 270,000 Fell in - 1350 Fellon/vell Stop: 14-10 |
| | |
| Sio - Array: | C6/DR6 E8 stop sidne Protokoll |
| · | C6: 152.500 Zellen - 1270 Zellen/vell DR6: 160.000 -4 1333 Zellen/vell |
| | |
| Bio-Array: | 56 158 -> Stop: 19-10 [|
| | 66/DR6/S6 E10 17-10 18-10 19-10 Stop There Protoboll |
| | 56/68: 92.500 Wellen - 1160 Vellen/vell |
| | C6 110 000 -47 1100 } DR6 E10 130,000 -47 1080 } Zulan boul 5 S6 1150 211an boul 5 |

Bio - Assay:

[61 DR61 SG 68

Stop

siche Protokoll

22-10 23-10 24-10

1200 } Zellen/veil 6 tellen 120,000 100,000 -11- -DRG -11-56 120,000

Bio - Annay

CG 1. DRG 1SG E10 24-10 25-10 26-10

si che Protokoll news 35A

1 = CN77 10 ng/me

66 DR6

56

100,000 Zellen 130.000 -11-175.000

--11- -7

1300 | Zellen/well 1250 |

"Bio - Array:

CE / DREI SG E12 26-10 27-10 28 10 Stop

siche Protokoll

C6: \$5000 JR6: 120.000 185,000 562

Fellen -1, --(1-

1100 Ellen / veli 1200 1520

Bio - Assay

66/ DR6/S6 E9 31-10 1-11 2-11 Stop

siche Profile

(6:

115.000

Hellen

12 50 / Edlin / well 13 00 /

DR6-56

125.000 -11-130,000 -11-

Bio - Array =

CG1 DR61 S6 E10

viele l'istolete

1-11 2-11 3-11

Stop

20len -11-1250 } William / 40ll 1200 } (6 MO. 800 125,000 DRG S6 120.00